

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

BRICKLAYERS AND ALLIED)
CRAFTWORKERS LOCAL 1 OF PA/DE;) Civil Action
BRICKLAYERS AND ALLIED) No. 02-CV-04079
CRAFTWORKERS LOCAL 1 OF PA/DE)
HEALTH AND WELFARE FUND;)
BRICKLAYERS AND ALLIED)
CRAFTWORKERS LOCAL 1 OF PA/DE)
JOINT APPRENTICESHIP AND)
TRAINING FUND;)
TILE LAYERS LOCAL 6 ANNUITY FUND;))
TMT TILE FINISHERS LOCAL 32)
ANNUITY FUND;)
TILE LAYERS LOCAL 6)
VACATION FUND; and)
TMT TILE FINISHERS LOCAL 32)
VACATION FUND,)
)
Plaintiffs)
)
vs.)
)
MASTRO MASONRY CONTRACTORS;)
ERNEST BOCK AND SONS, INC.;)
XL SPECIALTY INSURANCE COMPANY;)
and JOSEPH RUSSO, Individually)
and as President of Mastro)
Masonry Contractors,)
)
Defendants)
)
ERNEST BOCK AND SONS, INC.,)
)
Cross Claimant)
)
vs.)
)
MASTRO MASONRY CONTRACTORS,)
)
Cross Defendant)

* * *

APPEARANCES: CLAIBORNE S. NEWLIN, ESQUIRE
Counsel for Plaintiffs

THOMAS M. GUINAN, ESQUIRE
Counsel for Defendants
Ernest Bock and Sons, Inc. and
XL Specialty Insurance Company

RULE 16 STATUS CONFERENCE ORDER

NOW, this 16th day of September, 2003, after status conference conducted by telephone with the undersigned on this date, pursuant to Rule 16 of the Federal Rules of Civil Procedure,

IT IS ORDERED that on or before October 6, 2003 plaintiffs shall provide all counsel and the undersigned with a written memorandum explaining the calculation of damages.

IT IS FURTHER ORDERED that a damages-only trial without jury concerning plaintiffs' claims against Mastro Masonry Contractors and Joseph Russo in Counts 1, 2, 4, and 5 of plaintiffs' Complaint shall be held before the undersigned on October 20, 2003 at 8:30 o'clock a.m. in Courtroom B, Edward N. Cahn United States Courthouse, 504 West Hamilton Street, Allentown, Pennsylvania.

IT IS FURTHER ORDERED that, except as otherwise provided below, all discovery shall be completed by February 27, 2004.

IT IS FURTHER ORDERED that all discovery motions, including motions concerning expert witnesses, shall be filed and served prior to the close of discovery. Any motions filed in violation of this Order may be deemed waived in the absence of

good cause shown.

IT IS FURTHER ORDERED that all dispositive motions, including motions for summary judgment, accompanied by a brief, shall be filed and served on or before March 15, 2004. All responses to motions for summary judgment, accompanied by a brief, shall be filed and served on or before April 5, 2004.

IT IS FURTHER ORDERED that oral argument on all motions for summary judgment shall be held before the undersigned on May 18, 2004, 9:30 o'clock a.m. in Courtroom B, Edward N. Cahn United States Courthouse, 504 West Hamilton Street, Allentown, Pennsylvania.

IT IS FURTHER ORDERED that all motions (except those relying solely on a Federal Rule of Civil Procedure) shall be accompanied by a brief, not to exceed twenty-five pages without prior leave of court. There shall be no reply briefs unless requested, or authorized, by the undersigned. Reply briefs shall not exceed seven pages and must be filed within three business days of the court's request or approval.

IT IS FURTHER ORDERED that any party filing a motion for summary judgment or partial summary judgment shall file and serve, in addition to a brief, a separate short concise statement, in numbered paragraphs, of the material facts about which the moving party contends there is no genuine dispute. The moving party shall support each such material fact with specific

citations to the record, and, where practicable, attach copies of the relevant portions of the record. Failure to submit such a statement may constitute grounds for denial of the motion.

IT IS FURTHER ORDERED that any party opposing a motion for summary judgment or partial summary judgment shall file and serve, in addition to a brief, a separate short concise statement, responding in numbered paragraphs to the moving party's statement of the material facts about which the opposing party contends there is a genuine dispute, with specific citations to the record, and, where practicable, attach copies of the relevant portions of the record. All factual assertions set forth in the moving party's statement shall be deemed admitted unless specifically denied by the opposing party in the manner set forth in this paragraph.

IT IS FURTHER ORDERED that a non-jury trial of the within case shall commence before the undersigned on Monday, June 21, 2004, at 9:30 o'clock a.m. in Courtroom B, Edward N. Cahn United States Courthouse, 504 West Hamilton Street, Allentown, Pennsylvania, or as soon thereafter as the schedule of the court permits.

BY THE COURT:

James Knoll Gardner
United States District Judge